

# The Roth Law Firm, PLLC

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April 13, 2018

**Via Electronic Case Filing**

Hon. Kimba M. Wood, U.S.D.J.  
United States District Court, S.D.N.Y.  
500 Pearl Street  
New York, New York 10007

**Re: Securities and Exchange Commission v. Ralph C. Johnson, et al.,  
16 Civ. 828 (KMW)**

Dear Judge Wood:

This firm represents Defendants Howard J. Allen, Kerri Wasserman and Portfolio Advisors Alliance, Inc. (the “PAA Defendants”) in the above-captioned matter. We write on behalf of all parties to seek an adjournment of the trial ready date that this Court set for May 18, 2018 be adjourned to July 23, 2018.<sup>1</sup>

The reason for this request is that counsel for the parties are engaged in trial and hearings over the course of the next several weeks. I am personally engaged in the following hearings:

May 21–24, 30 – June 1, June 25 - 29	<i>Utility Services Holding Company, Inc. v. C.L. King &amp; Associates, Inc., Candace Weir, William Nicklin and NSB Advisors, LLC</i> (FINRA Arb. No. 14-00343) (Atlanta, Georgia);
June 4, 2018	<i>Roswell Jeep Eagle, Corp. d/b/a The Pre-Owned Store, v. KAT Exploration</i> (AAA Arb. No. 01-16-0001-0686).
June 12 – 14, 18 – 22, 2018	<i>Gerald Sharpe, Jr. v. National Securities Corporation Securities Corporation, Robert Bruce Fagenson, David Charles Levine, David Sean Rich and Glenn Charles Worman</i> (FINRA Arb. No. 03665/2016);
July 9 – 13, 2018	<i>United States v. Kevin Foster</i> , Case No.: 2015R00515 (U.S.D.C., Columbus, Ohio)

Mr. Astarita, counsel for defendants American Growth Funding II, LLC and Ralph

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<sup>1</sup> Please note that Alexander Vasilescu, one of the lead trial counsels on this case for the SEC, previously paid for and scheduled an overseas vacation starting on August 11 through August 28, 2018.

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Johnson is actually engaged as follows:

May 22, 23 and 24                      *Puglia vs. Melendez*, FINRA Arbitration No 17-00006

May 30, 31, 4, 5 and 6              *Ambrosio vs. [Redacted]*, et al, FINRA Arb. No. 17-01550

We further understand that Plaintiff, the Securities & Exchange Commission (“SEC”), will be submitting a letter in which it is seeking additional discovery at this time. Our firm takes no position on the SEC’s request and Mr. Astarita, on behalf of co-Defendants, will be submitting a letter to the Court opposing said request. Should the Court grant said relief, the parties will need time to conduct that discovery.

The parties had a conference call on April 11, 2018 and we discussed all of these issues during which I volunteered to write this letter on everyone’s behalf.

This is the parties first request for such an adjournment.

We thank the Court for its time and consideration.

Respectfully submitted,

/s/

Richard A. Roth

cc: All counsel (via ECF)